(2) Whoever is —

(*a*) found drunk and behaving in a violent or riotous or indecent manner in a private place, or causing nuisance or annoyance to the public or to neighbours ; or

(*b*) found drunk and under the influence of liquor or drug while driving or riding a vehicle,

shall be liable on conviction to imprisonment not exceeding six months or fine not exceeding one thousand rupees".

13. *Amendment of section 77, Tamil Nadu Act III of* 1888.—In section 77 of the principal Act, for the words "two rupees" the words "twenty rupees" shall be substituted.

இணைப்பு III

[350 ஆம் பக்கத்தில் இனம் 7 (3)க்கான அடிக்குறிப்பைக் காண்க.]

L. A. Bill No. 12 of 1975.

(As passed by the Assembly)

A Bill further to amend the Tamil Nadu Catering Establishments Act, 1958

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty sixth Year of the Republic of India as follows :—

1. *Short tittle and commencement.*—(1) This Act may be called the Tamil Nadu Catering Establishments (Amendment) Act, 1975.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section* 1, *Tamil Nadu Act XIII of the* 1958.—In section 1 of the Tamil Nadu Catering Establishments Act,1958 (Tamil Nadu Act XIII of 1958) (hereinafter referred to as the principal Act), in clause (*a*) of sub-section (3),—

(1) after item (i), the following item shall be inserted, namely :—

"(i-a) in the City of Madurai as definedin clause (9) of section 2 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971)"

(2) for item (iii), the following item shall be substituted, namely :—

"(iii) in all areas within the jurisdiction of—

(a) panchayats which are classified or deemed to have been classified as town panchayats under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) including town panchayats reconstituted under that Act ; and

(b) townships constituted under section 4-A of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), section 4 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), the Mettur Township Act, 1940 (Tamil Nadu Act XI of 1940) the Courtallam Township Act, 1954 (Tamil Nadu Act XVI of 1954), and the Bhavanisagar Township Act, 1954 (Tamil Nadu Act XXV of 1954)".

3. *Amendment of section 2, Tamil Nadu Act XIII of 1958.*—In section 2 of the principal Act,—

(1) for clause (1), the following clause shall be substituted, namely :—

(1) "catering establishment" means a restaurant or residential hotel and includes a restaurant or canteen attached to, or run or managed by, any society registered under any law for the time being in force but does not include a restaurant or canteen attached to, or run or managed by, any educational institution ;";

(2) in clause (2), for the word "fourteen", the word "sixteen" shall be substituted ;

(3) for clauses (4) and (5), the following clauses shall be substituted, namely :—

"(4) "employee" means a person wholly or principally employed directly or through any agency whether for wages or not in, or in connection with the business of, any catering establishment, but does not include a member of the employer's family"

"(5) "employer" means a person owning or having charge of the business of a catering establishment and includes any person who holds a licence issued under the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), or the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), or the Tamil Nadu

Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), authorising him to carry on the business of a catering establishment, the manager, agent or other person acting in the general management or control of a catering establishment;"

(4) after clause (13), the following clause shall be inserted, namely :—

"(13-A) "wages" means the basic wages, dearness allowance, the cash equivalent of the meals and tiffin supplied to the employees free of charge and the value of any other amenity or of service or of any concessional supply of foodgrains or other articles which can be computed in terms of money but does not include a bonus;";

(5) in clause (15) for the word "fourteen", the word "sixteen" shall be substituted.

4. *Insertion of new section* 3-*A in Tamil Nadu Act XIII of* 1958.—After section 3 of the principal Act, the following section shall be inserted, namely :—

"3-A. *Catering establishments to be registered.*—Save as otherwise provided in this Act, no place or premises shall on and after the date of expiry of the period specified in this behalf in sub-section (1) of section 4, be used as a catering establishment without a registration certificate and except in accordance with the terms and conditions specified therein.".

5. *Substitution of new sections for section* 4, *Tamil Nadu Act XIII of* 1958.—For section 4 of the principal Act, the following sections shall be substituted, namely :—

"4. *Procedure for registration of catering establishments.*—(1) Every employer shall make an application to the Inspector for the grant of a registration certificate in such form together with such fees as may be prescribed,—

(*a*) in the cases of a catering establishment existing on the date of coming into force of this Act, within thirty days from such date; and

(*b*) in the case of any new catering establishment, within thirty days from the date of commencement of work.

(2) The Inspector shall, in deciding whether to grant or refuse a registration certificate have regard to the following matters, namely :—

(*a*) the suitability of the place or premises which is proposed to be used as catering establishment;

(*b*) the previous experience of the employer ;

(*c*) the financial resources of the employer including financial capacity to meet the demands arising out of the provisions of the law for the time being in force relating to the welfare of labour ;

(*d*) whether the application is made *bonafide* on behalf of the employer himself or *benami* on behalf of any other person ;

(*e*) welfare of the labour in the locality and the interest of the public generally; and

(*f*) such other matters as may be prescribed.

(3) (*a*) Subject to the foregoing provisions of this section, the Inspector may grant a registration certificate in the form prescribed on such terms and conditions as may be prescribed and where the Inspector refuses to grant a registration certificate, he shall do so by an order communicated to the employer giving the reasons in writing for such refusal.

(*b*) The Inspector shall, before granting a registration certificate, register the catering establishment in the register of catering establishment maintained for the purpose.

(*c*) The registration certificate shall be prominently displayed at the catering establishment.

(4) A registration certificate shall be valid for a year and shall be renewable yearly on payment of such fees as may be prescribed and the foregoing provisions of this section shall apply to the renewal of a registration certificate as they apply to the grant thereof.

(5) The Inspector may, after giving the employer an opportunity of being heard, by order revoke or suspend any registration certificate granted or renewed under this Act, if it appears to him that such registration certificate has been obtained by misrepresentation or fraud or that the employer has failed to comply with, or contravened, any of the provisions of this Act or the rule made thereunder or any of the terms and conditions of the registration certificate.

(6) The acceptance by the Inspector of the prepayment of the fees shall not entitle the employer making such prepayment to the grant or renewal of a registration certificate but only to the refund of the fees in case of refusal to grant or renew a registration certificate.

(7) An employer who has applied for the grant or renewal of a registration certificate shall, until communication of orders on his application, be entitled to act as if the registration certificate had been granted or renewed.

(8) If orders on an application for the grant or renewal of a registration certificate are not communicated to the employer within three months after the date of receipt of the application by the Inspector, the registration certificate shall be deemed to have been granted or renewed subject to the conditions ordinarily imposed under this Act or the rules made thereunder.

4-A. *Appeal.*—Any employer aggrieved by an order of the Inspector refusing to grant or renew a registration certificate or revoking or suspending a registration certificate may, within a period of thirty days from the date of receipt of the order sought to be appealed against and on payment of such fees as may be prescribed, appeal in writing to such authority as the State Government, may, by notification specify in this behalf, and such authority may, by order, confirm, modify or reverse the order appealed against :

Provided that such authority may in its discretion allow further time not exceeding thirty days for filing of any such appeal, if it is satisfied that the employer had sufficient cause for not filing the appeal in time.

6. *Amendment of section* 5, *Tamil Nadu Act XIII of* 1958.—In section 5 of the principal Act,—

(1) for the word "statement", the word "application" shall be substituted ;

(2) after the words "if necessary" the words "on application being made by the employer in such form together with such fees as may be prescribed" shall be added.

7. *Amendment of section* 7, *Tamil Nadu Act XIII of* 1958—In section 7 of the principal Act, in sub-section (2),—

(1) in the proviso, for the words "fifty hours", the words "fifty-four hours" shall be substituted ;

(2) the following Explanations shall be added at the end, namely :—

"*Explanation I.*—For the purposes of this sub-section, the expression 'quarter' means a period of three consecutive months beginning on the 1st January, 1st April, 1st July or 1st October of every year.

Explanation II.—Where an employee is employed on a date other than the 1st January, 1st April, 1st July or 1st October, the number of hours of overtime work in any quarter shall not exceed the number which bears to fifty-four the same proportion as the number of days during which the employee was employed in that quarter bears to the total number of days in the same quarter.

Explanation III—In calculating the number of hours of overtime work, any overtime work of half an hour or more shall be treated as one full hour overtime work and any fraction of less than half an hour shall be omitted.

8. *Amendment of section* 8, *Tamil Nadu Act XIII of* 1958.—In section 8 of the principal Act,—

(1) for the words "entitled to wages at twice the ordinary rate of wages," the words "entitled to twice the wages " shall be substituted.

(2) the Explanation shall be omitted.

9. *Amendment of section* 11, *Tamil Nadu Act XIII of* 1958.—In section 11 of the principal Act,—

(1) in sub-section (2), for the words, figures and letters "the 26th January and the 15th August", the words, figures and letters "the 26th January, the 1st May, the 15th August and the 2nd October" shall be substituted ;

(2) in sub-section (3), in clause (*b*), the expression " at the ordinary rates of wages as defined in the Explanation to section 8 " shall be omitted ;

(3) in sub-section (4) for clause (*b*) the following clause shall be substituted, namely :—

(*b*) where an employee works on any holiday allowed under sub-section (2), he shall, at his option, be entitled to—

(i) twice the wages for such day, or

(ii) wages for such day and to avail himself of a substituted holiday with wages on one of the three days immediately before or after the day on which he so works."

10. *Insertion of new section* 11-*A in Tamil Nadu Act XIII of* 1958.—After section 11 of the principal Act, the following section shall be inserted, namely :—

"11-A. *Notice of period of work*.—(1) There shall be correctly maintained and displayed in every catering establishment a notice of periods f work in such form and in such manner as may be prescribed showing clearly for every day the periods during which employees may be to wok to required

(2) No employee shall be allowed or required to work in any catering establishment otherwise than in accordance with the notice of period of work displayed under sub-section (1).

(3) Every employer shall send to the Inspector and display in the catering establishment a statement showing the holidays allowed in each calendar year under section 11, in such form, within such time and in such manner as may be prescribed."

11. *Amendment of section* 12, *Tamil Nadu Act XIII of* 1958.—In section 12 of the principal Act,—

(1) after sub-section (1), the following sub-section shall be inserted, namely :—

" (1-A) Every employee shall also be allowed in each calendar year leave with wages for a period not exceeding twelve days at the rate of one day for every month on the ground of any sickness incurred or accident sustained by him." ;

(2) in the proviso to sub-section (5), for the words " thirty in the case of an adult or forty ", the words " forty in the case of an adult or fifty " shall be substituted ;

(3) after sub-section (7), the following sub-section shall be inserted, namely :—

"(7-A) If an employee who is entitled to leave under sub-section (1-A) is discharged by the employer when he is sick or suffering from the result of an accident, or if the employee quits his employment during such period, the employer shall pay him the amount payable under this Act in respect of the period of leave to which he was entitled at the time of such discharge or quitting in addition to the amount, if any, payable to him under sub-section (7) and such payment shall be made where the employee is discharged by the employer, before the expiry of the second working day after such discharge and where the employee quits his employment, on or before the next pay day".

12. *Amendment of section* 13, *Tamil Nadu Act XIII of* 1958.—In section 13 of the principal Act,—

(1) for the word "earnings" the word "wages" shall be substituted;

(2) the words "and bonus but inclusive of dearness allowance and the cash equivalent of the meals and tiffin supplied to the employee free of charge " shall be omitted.

13. *Insertion of new section* 14-*A in Tamil Nadu Act XIII of* 1958.—After section 14 of the principal Act, the following section shall be inserted, namely :—

"14-A. *Dresses to be supplied by employer.*—Every employer shall supply free of cost to the different classes of employees in his catering establishment such number and type of dresses, and at such intervals as may be prescribed."

14. *Amendment of section* 19, *Tamil Nadu Act XIII of* 1958.—In section 19 of the principal Act, in sub-section (1) for the words 'continuously for a period of not less than six months", the words for a period of not less than one hundred and twenty days during a period of six months" shall be substituted.

15. *Amendment of section* 21, *Tamil Nadu Act XIII of* 1958.—In section 21 of the principal Act,—

(i) in clause (*b*), the word "and" occurring at the end shall be omitted ;

(ii) after clause (*b*), the following clause shall be inserted, namely :—

"(*bb*) seize or take copies of such registers, records or notices or portions thereof as he may consider necessary in respect of an offence under this Act, which he has reason to believe has been committed by an employer and shall give the employer a receipt for the same. The registers, records or notices or portions thereof so seized shall be retained by the Inspector, only for so long as may be necessary for their examination and for any inquiry or proceeding under this Act :

Provided that such registers, records or notices or portions thereof shall not be retained for more than thirty days at a time except with the permission of the next higher authority ; and ".

16. *Amendment of section* 23, *Tamil Nadu Act XIII of* 1958.—In section 23 of the principal Act,—

(1) for sub-section (1) the following sub-section shall be substituted, namely :—

"(1) Any employer who contravenes any of the provisions of sections 3A, 4, 5, 6, 7, 9,10, 11, 11A, 12 and 14A or fails to pay wages or compensation in accordance with any order of the appellate authority, passed under clause (*b*) of sub-section (2) of section 19 shall, on conviction, be punishable with fine which, for a first offence shall not be less than fifty rupees or more than one hundred and fifty rupees, for a second offence shall not be less than one hundred and fifty rupees or more than two hundred and fifty rupees and for a third or any subsequent offence shall not be less than two hundred and fifty rupees or with imprisonment which may extend to three months, or with both.";

(2) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2-A) Whoever fails to produce on demand by an Inspector, any register, record or other document in his custody kept in pursuance of this Act or of any rules made thereunder or conceals or prevents any employee in a catering establishment from appearing before or being examined by an Inspector shall, on conviction be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both .";

(3) in sub-section (4), for the words "Any compensation", the words "Any amount "shall be substituted ;

(4) after sub-section (4), the following sub-sections shall be added, namely :—

"(5) Whenever an employer is convicted for contravention of section 3A, the Court shall in addition to any fine which may be imposed for such contravention, recover summarily and pay over to the Inspector the amount of the fee chargeable for the grant, or renewal of the registration certificate as the case may be, and may in its direction also recover summarily and pay over to the Inspector such amount, if any, as it may fix as the costs of the prosecution."

(6) (a) Where an employer is convicted of an offence punishable under this Act, the Court may in addition to awarding any punishment by order in writing require him within a period specified in the order

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(which the Court may, if it thinks fit and on application in such behalf from time to time extend) to take such measures as may be so specified for remedying the matters in respect of which the offence was committed.

(*b*) Where an order is made under clause (*a*) the employer shall not be liable for punishment under this Act in respect of the continuation of the offence during the period ~~or extend~~ or extended period if any allowed by the Court, but if on the expiry of such period or extended period, as the case may be, the order of the Court had not been fully complied with, the employer shall be deemed to have committed a further offence and may be sentenced by the Court to undergo imprisonment for a term which may extend to three months or to pay a fine which may extend to fifty rupees for every day after such expiry on which the order has not been complied with or both to undergo such imprisonment and to pay such fine as aforesaid".

17. *Amendment of section 29, Tamil Nadu Act XIII of* 1958.—In section 29 of the principal Act,—

(1) in sub-section (2), after clause (*a*), the following clause shall be inserted, namely,—

"(*aa*) the terms and conditions subject to which a registration certificate may be granted or renewed under this Act and the fees to be paid for the grant or renewal of such registration certificate;"

(2) in sub-section (3) in clause (*a*), for the expression "*Fort St. George Gazette*", the expression "*Tamil Nadu Government Gazette*" shall be substituted.

இணைப்பு IV

[363 ஆம் பக்கத்தில் இனம் 7 (4)க் கானஅடிக் குறிப்பைக் காண்க]

L. A. Bill No. 21 of 1975

(As passed by the Assembly)

A Bill further to amend the Indian Stamp Act, 1899, in its application to the State of Tamil Nadu.

Be it enacted by the legislature of the State of Tamil Nadu in the Twenty-sixth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Indian Stamp (Tamil Nadu Amendment), Act 1975.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.